App F IX 4

P 26 E

Previous References

1948-49
(JM)

File No 86-48
Serial Nos 51,52

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Dec 48

SUBJECT

Levy of toll on Vehicles entering The Muni-cipal Limits of Hosadurga and bye laws reg. registration of Vehicles

To The D C, Chitaldrug Dt
" Comptroller to Govt

A-G O No L 6928-9/A 23-12-48

Sanctions

K86

7497/L

Levy of toll on vehicles entering the Municipal limits of Hosadurga

—

From

The Dy Commr, chitaldrug Dt

No. A6 C 300/MB-47 Dt 10 3 47

Request Sanction to the Resolution of the Hosadurga minor Municipal Council dated 29 12 46 to levy tolls on vehicles entering the Hosadurga municipal limits

—

1) With a view to improve the finances of the Municipality which is stated to be poor, the Hosadurga Municipal Council has Resolved at their meeting held on 29 12 46 to levy toll on vehicles entering the Municipal Road limits at rates specified in the Schedule and to establish for the purpose three toll gates at the following places. —

(a) on Shreyas Road near Gorawa-Kal farm

(b) on Staleyas Road near the middle School and the Banne mantap

(c) At the Delhi Gokad on Molakere Road

7497/L

2) Objections were called for to the levy as required see chapter X of the taxation Rules relating to the Minor Municipalities and it is stated that no objections were received within the stipulated time

3) The Municipality has to find funds for financing several schemes such as water supply, drainage lighting arrangements, Maintenance of the Municipal High School and the tole Realisations as stated to come in very handy, if approved by the Government

4) The Dc. Chairman Sh Regrets Sanction to the above proposals

5) Subj for order.

Re 17/3/49

6) Are the rates of tax proposed to be levied within the maximum rate prescribed in the rules?

Are all the rules prescribed by Govt. duly complied with?

for 17/3/49

1) The Rates of tax proposed to be levied are within the maximum Rates prescribed in Schedule IV of the Rules for taxation in Minor Municipalities in the State

7497/L

8) The Rules proscribed on this behalf also have been adopted

9) Re 21/3 of pl bring up with a copy of the Town Mills Taxation Rules

Fm 26/3/49

10) It is seen that the Taxation laws also provide for the imposition of tax under el (g) of section 61 of the Kenya Municipalities Act payable by the owners on all or any vehicles used for hiring, driving, draught or burden kept within the Municipality for use at rates indicated on the enclosed Schedule

flag P

11) The Rates proposed are within the maximum prescribed on Schedule IV of the Rules for taxation in Kenya Municipalities in the State; but the tax is proposed to be levied on motor vehicles also which come under the exemptions catalogued on the Schedule and is contrary to Rules

12) The Resolution of the Municipal Council and the Recommendation of the D C are confined to the levy of the tax only and do not are silent Regarding the imposition of this animal tax

13) A draft letter to the D C, Chetalong

4

7497/L 3215

Seeking for elucidation of Note
point to put up for approval
or other orders

Re 1/12/47 4) [illegible] 5/12/47

3
Ref to the Chittaldrug Dist
L 1371 dated 9 4 47)
Calls for information

Fig A

From
The deputy commissioner, Chitaldrug Dt
No A6 C 300/46 47 dated 10-12-47

States that a further communication
will be made on receipt of a report from the
Pdt Hosadurga Mkty

15) Subd for perusal
6/4/1/48 Pr 5-1-48 16) may be awaited file the end of February

for
7/1/48

Ans) Fwd
Pr 8/1/48 Pr 9-1-48

Letter No A6 C 300/46-47 dated the (Flag B
25-B March 1948 from the Deputy
Commissioner, Chitaldrug District
furnishing the information called for

ML 5679

Levy of tolls on vehicles entering the limits of Hosadurga Minor Municipality in Chitaldrug District

17) The Deputy Commissioner, Chitaldrug District has reported that the Minor Municipal Council, Hosadurga has resolved at its meeting held on 12-6-47 (Flag W) that (1) toll may be levied on the vehicles entering the limits of Hosadurga as tax is levied on the vehicles maintained in the town & (2) that no tax or toll be levied on motor vehicles Etc He further states in this connection that the President of the Mlty has reported that vehicle tax has already been levied and collected in the Municipality (A) and that the Municipal Council is not in favour of levy of toll on Motor vehicles, except levy of toll on Motor bycycles with side seats or without side-seats

18) The bye laws framed by the Mcpl Cl are flagged C & the Rules thereunder flagged D. Objections are proposed to be called for to be filed within one month in Flgs C & D referred to in (Objections were called for vide and none were received)

Appr 3/4/48

SECRETARIAT 3568 APR-2-1948 HOME TRAFFIC BRANCH

19) Govt No 272 d 1-4-48 forwarded with Compliments to the Secretary Home Traffic Branch for favour of remarks re A Flgs

2/4/48

Francis Chandy
1/4/48

Levy of tolls on vehicles entering the Municipal limits of Hosadurga Municipality in Chitaldrug District

ME5679

20) Re-transmitted with compliments

It is reported that Vehicle Tax has already been levied and collected by the Municipality By Vehicle Tax it is perhaps meant taxes on vehicles other than motor vehicles, as no Municipality is, under Section 98 of the Mysore Motor Vehicles and Road Traffic Act 1941, competent to levy such tax on motor vehicles Under the same Section, no Municipality is competent to levy tolls on such motor vehicles as are exempted from payment of Municipal tolls under the said Act or the Rules made thereunder The -- Hosadurga Municipality has proposed to levy toll on motor cycles with or without side-cars Kind reference is invited to item 2(1) of the Memorandum printed on page 150 under Appendix IX of the -- Mysore Motor Vehicles and Road Traffic Rules 1945, under which private motor cycles and cars are exempt from tolls at all Municipalities throughout the State As such, the proposal of the -- Municipality to levy tolls on motor cycles is ultravires

Dis memorandum

26/4/48

Secretary,
Mysore Traffic Board

CSC/-

GOVT. OF MYSORE 10810 I 27/4

21) 27/4

22) The D C Chitaldrug will, if approved be requested to clarify the point raised by the Secy, Traffic Bd in para 2a above and also to delete the toll on motor cycles (with or without side cars) as the same is ultra vires, and resubmit the proposals

AHC 28/apr

23) yes OK please

29 4 48

Levy of toll on vehicles entering the Municipal limits of Hyderabad

24) Submitted with a draft letter to the D C Chitaldrug for approval

1 5 48

25) Issue from 1/5/48 d 16578 by S-S-up

To the D C Chitaldrug for Asst

State that the proposal to levy tolls on motor cycles in question is ultra-vires

From

The D-C Chitaldrug Dist L No Ab C 300/46-47 of 3-8-48 furnishes the information called for

26) Taxes at the rate of Rs 2/- per year on vehicles other than motor vehicles ie. cart carts and cycles kept with in the Town limits are being recovered

8 Levy of tolls on vehicles entering the Ml limits of Hosmdurga

and ~~that~~ it is now proposed to levy tolls on carts, cycles etc other than motor vehicles coming into the Ml limits from out-side. 5679/ml 1158/ml

27) The Hosmdurga Town Ml cl ~~ate~~ resolved on 26/5/48, ~~of~~ Levy that the item relating to the levy of toll on motor vehicles with or without side carts may be omitted from the Schedule to the toll-Byelaws.

28) Objections to the modified draft byelaws were called for and no objections were received within the stipulated period of one month

29) The D.C recommends Sanction to the resolution of the Ml cl dated 26-5-48

30) Submitted for orders the Suitably modified Byelaws are; Byp 11/8 Pr 17 rec'd

31) The ~~byelaws~~ rules are in kannada. A translation in English is necessary it may be called for from 10/8/48

Levy of toll on vehicles entering 9
the ml limits of Hosdurga

1153/ml
√3398/ml

32) Submitted with a letter to the C & C calling for the english copies of the draft bye laws for approval

Asst Re 24/8

33) Issue

to

the Dt Chitaldrug
L 2097/1 2-9-1948

calls for english copies of the Bye-laws.

Subst 23/9

From

The Dt Chitaldrug
No A6 c 300/46-47 Of 18th Nov'48
English copies are sent

34) The legal draft (bye laws) rules are Scrutinised corrected from the administrative point of view and the bye laws may be sent to the Legislation Branch for Scrutiny and remarks from the legal point of view

Asst 16/11

35) Pl put up draft for finalising the rules

for 19/11/48

Draft byelaws – re levying of toll
in vehicles entering the m/l limits
of Hobsonville Point

36) Submitted with a draft B-O for approval

App
24/11

37) May be approved

25/11/08

OFFICE OF
THE MINISTER FOR
LOCAL SELF GOVERNMENT
No 2573
Date 30/11

38) May be appd

L.S.G
29/11

39)

30/12/08

31/12

40)

To

The CE Chithelding Dist Mpl
The Comptroller to Govt

Govt L6928-9 Pool 88-168-52 09/23-12-08

Sometime the proposal of the M/C

B
6/1/09

Office of the Deputy Commissioner,
Chitaldrug, Fated 28th March 1947

No A6 C 300/46-47

Encl 1 file

To

The Secretary to the Government of Mysore,
Revenue Department, Bangalore

Sir,

I have the honour to state that the Municipal Council, Hosdurga has resolved at its meeting held on 28-12-1946 to levy toll on vehicles entering the Municipal limits at the rates noted in the margin and to establish three toll gates at the following places,

1) One gate in the Hiriyur Road near the Gowdinakal tank
2) One gate in Huliyar road near the middle school and Banni Mantap
3) One gate at the Octroi Ooked in Holalkere road

0-6-0	1) On every motor bus or motor lorry as per schedule W
0-4-0	2) On every motor car or motor cab
0-2-0	3) On every motor cycle
0-1-0	4) On every motor tricycle or bicycle etc ,,
0-3-0	5) On every four wheeled carriage with springs
0-2-0	6) On every jutka and on every two wheeled carriage, on springs,
0-2-0	7) On every cart, jutka if laden
0-1-0	8) On every jutka, cart if not laden

A notification calling for the objections to the levy of toll was called for by the President of the Municipality on it is reported that no objections have been received in due time The Municipal Council resolved at its meeting held on 22-2-1947, to obtain sanction

The financial condition of this Municipality is very poor It has to provide funds for the maintenance of the Municipal High School, Water supply, drainage and lighting arrangement in the town It is necessary to levy the toll to improve the resources of the Municipality immediately I request that sanction of Govt for the levy of toll as per the resolution of the Municipal Council may kindly be obtained at an early date

The entire file of papers ending with report No 87/46-7 dated 24-2-1947 received from the President of Hosdurga Municipality is enclosed herewith for kind perusal

I have the honour to be,
Sir,
Your most obedient Servant,

(C M F 2/)

For Deputy Commissioner, Chitaldrug
(Absent from the headquarters)

No L 13711/R 2

9/4/47

To

The Dy Commr

Chitaldrug District

—

Subject Levy of tolls on vehicles entering the Municipal limits of Hosadurga in Chitaldrug District.

Sir

With Reference to your letter no A6 C 300/4644 dated 10 3 4 on the above subject, I am directed to state that- it is seen from the bye-laws framed by the Municipal Council in this behalf that, besides the levy of toll on vehicles entering the Municipal limits of Hosadurg it is also proposed to levy tax on vehicles kept within the Municipality under cl (g) of Sec 61 of the Mysore Municipalities Act 1933 The annual tax on vehicles noted in the bye-laws is observed not to find a reference ~~place~~ either in the Resolutions of the

Municipal Council on your
Recommendation for Sanction to
the proposals of the Municipal
Council ~~for~~ of it's the intention
of the Municipal Council to levy
the toll and also the vehicle tax as
Contemplated ~~Contemplated~~ in the Bye-laws, it ~~is necessary that a modified~~ is ~~necessary~~ being levied
Resolution of the Municipal Council ~~is obtained to Cover both the~~ Collected with
items of levy ~~levy~~ it's seen that
Further the annual tax
is proposed to be levied on the
Motor Vehicles also there is Contrary
to Rules as motor vehicles
come under the exemptions
Catalogued ~~in~~ in the Schedule
The Relative portion of the Bye-laws ~~Therefore~~ need also
to be Suitably modified to
be in Consonance with the
~~Rules~~ prescribed Rules on the
Subject
needs accompany the reference & resolution
Sir Leo does
not
Leo sees
it
2/4/63

I wants to ensure whether
Law in force
accorded to the
levy toll on pedestrians
as well as transporting,
goods only the toll
is confined to
Lorry Vehicle for
according to the
only pedestrians or
vehicles
from behalf.
to the
pedestrians
persons

4

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. L 13711/R

Dated Bangalore, 8th/9 April 1947

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Revenue Department

To

The Deputy Commissioner,
Chitaldrug District, Chitaldrug.

S i r,

Subject :- Levy of tolls on Vehicles entering the Municipal limits of Hosadurga in Chitaldrug District.

With reference to your letter No. A & C 300/46-47 dated 10th March 1947 on the above subject, I am directed to state that it is seen from the Bye-laws framed by the Municipal Council in this behalf that, besides the levy of toll on Vehicles entering the Municipal limits of Hosadurga, it is also proposed to levy tax on Vehicles kept within the Municipality under Clause (g) of Section 61 of the Minor Municipalities Act - 1933 This annual tax on Vehicles noted in the Bye-Laws is observed not to find a reference either in the resolution of the Municipal Council or in your recommendation for sanction to the proposals of the Municipal Council It may be kindly made clear if it is the intention of the Municipal Council to levy the toll and also the Vehicle tax as contemplated in the Bye-laws, and whether Vehicle tax is not already being levied and collected in the Municipality

2 Further, it is seen that this annual tax is proposed to be levied on the Motor Vehicles also This is contrary to rules as Motor Vehicles come under the exemption catalogued in the schedule I am to enquire whether sanction of Government may not be accorded to the levy of toll only for the present as under the Minor Municipalities Taxation Rules, the Municipal Council is competent to levy Vehicle-tax according to the rules and subject to the rates prescribed in this

P.t.o.

5

behalf

Records accompany for Reference and Return

I have the honour to be,
S i r,
Your most obedient servant,

SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT

8/4

Cpg/2

18

6

No AS C 300/46-47

Office of the Deputy Commissioner,
Chitaldrug District,
Chitaldrug, dated, 10th December 1947

3215/47
L & G BRANCH

To

REVENUE DEPARTMENT No I 12/12

Syed Abdul Aleem Esq ,B A ,
Secretary to Government of Mysore, Revenue Department,
B a n g a l o r e
=======

Subject, Levy of tolls on vehicle entering the Municipal limits of Hosadurga in Chitaldrug District

====

Sir,

With reference to your letter No 11351 dated 29-11-47 on the above subject, I have the honour to state that the report called for from the President, Municipal council, Hosadurga has not yet been received so far He is reminded today also to submit his report in the matter Further communication will be made soon after the report is received from the President of the Municipality

I have the honour to be,
Sir,
Your most obedient Servant,

for Deputy Commissioner, Chit Dist

M F 2/

(Absent from Headquarters)

Mr 5947-48 7

Office of the Deputy Commissioner,
Chitaldrug District,
Chitaldrug, dated, 25th March 1948

No A6 C 300/46-47

Encl 1 file

5679 Mr
29 MAR 1948
L & G BRANCH

To

Syed Abdul Aleem Esq ,B A ,
Secretary to the Government of Mysore, Revenue Department
B a n g a l o r e
===

REVENUE SECTION
No
Dated 27-3-48
GOVERNMENT OF MYSORE

Subject, Levy of tolls on vehicles entering the Municipal limits of Hosadurga in Chitaldrug District
=======

Sir,

With reference to your letter No L 13711/R dated 7-4-47 on the above subject, I have the honour to state that the Municipal Council at its meeting held on 12-6-47 has resolved that (1) toll may be levied on the vehicles entering the limits of the town as tax is levied on the vehicles maintained in the town (2) that no tax or toll be levied on motor vehicles etc The president of the Municipality reports that Vehicle tax has already been levied and collected in the Municipality The Municipal Council is not in favour of levy of toll on Motor vehicles except levy of toll on Motor bycycles with side seats or without side Seats

The entire file of papers received with report No 78 dated 26-1-48 is enclosed herewith for favour of reference

I have the honour to be,
Sir,
Your most obedient Servant,

Deputy Commissioner, Chit Dist

C M F 2/

L 16578/A rnl 59-47-47 8
To V 5/5/48
The Deputy Commr
Chital drug Dt

Subject Levy of tolls on vehicles entering the Municipal limits of Hosadurga

Sir,

With reference to correspondence ending with your letter No A6 C 30 46-47 dated the 25th March 1948 on the above subject, I am directed to state that it is reported that the President, Hosadurga Municipal Council, has intimated that vehicle tax has already been levied and collected in the Municipality. By vehicle tax it is to be clear whether it means taxes on vehicles other than

motor vehicles, as no Municipality is, under Section 98 of the Mysore Motor Vehicles and Road Traffic Act 1944, competent to levy such tax on motor vehicles under the same section, no Municipality is competent to levy tolls on such motor vehicles as are exempted from payment of Municipal tolls under the said Act or the rules made thereunder. This point may be clarified.

2. It is seen from the proposal now submitted for sanction, that Hosadurga Municipal Council has proposed to levy toll on motor cycles with or without sidecars. Reference is invited, in this connection, to item No (2) (1) of the Memorandum (printed on page 150) under Appendix IX of the Mysore Motor Vehicles and Road Traffic Rules 1945, under which private motor cycles and cars are exempt from tolls in all Municipalities throughout the State

and as such, the proposal
of the Municipality to be
tolls on motor cycles is
ultra vires. This may be intimated
to the Municipality for the modification of the draft bye laws.
3 The records received with
your letter under reply are
herewith returned for reference
and retransmission after needful
action on the above lines.

Yours Etc
for Secy to Govt
Rev Revenue Dept
1-5-48

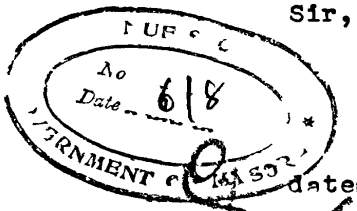
Ml 1153 11

No A6-C-300/46-47
Encl One file

Office of the Deputy Commissioner
Chitaldrug District
Chitaldrug Dated 3rd August 1948

To

Syed Abdul Aleem,B A ,
Secretary to Government,
Revenue Department,
Bangalore



Sir,

Re Levy of tolls on vehicles entering the municipal limits of Hosadurga

With reference to your letter No L-16578 Ml 59-47-49 dated 5/5/48 forwarding the records and calling for further particulars, I have the honour to state that the President, Municipal Council, Hosadurga in his report No 78/47-48 dated 31/5/48 has stated that at present taxes at the rate of Rs 2/- per year on vehicles other than motor vehicles ie , only carts and cycles kept within the town limits are being recovered and that it is now proposed to levy tolls on carts, cycles etc other than motor vehicles coming into the municipal limits from outside

As regards the exemption of motor vehicles from payment of toll, the Municipal council at their meeting held on 26/5/48 have resolved that the item relating to the levy of toll on motor vehicles with or without side cars may be omitted from the schedu to the Toll- Bye-laws Objections to the modified draft byelaws were called for and no objections were received within the stipulated period of one month

I therefore request that sanction of Government may kindly be obtained for the levy of toll fee on all vehicles other than motor vehicles entering the municipal limits as per the resolution of the Municipal council

The entire file of records with modified bye laws are sent herewith for reference

I have the honour to be
Sir,
Your most obedient servant.

Deputy Commissioner
Chitaldrug District

HsM/2

No A6.C 300/46-47

Encl Bye laws copies

Office of the Deputy Commissioner,

Chitaldrug, dated, 1st Nov 1948

GENERAL & REVENUE SECRETARIAT BRANCH B
3398
5 NOV 1948

To

Janab Syed Abdul Aleem, B A ,
Secretary to the Government of Mysore, Revenue Department,
B a n g a l o r e
==

Sir,

Subject,- Levy of toll on Vehicles entering the Municipal Limits of Hosadurga and bye laws re to registration of vehicles
===-

With reference to your letter No L 2097/7 dated 2-9-1948 on the above subject, I am sending herewith English copies of the Bye laws as desired by you and request that sanction of Govt may kindly be obtained to the same very early Kannada copies are also returned herewith

Yours faithfully,

For Deputy Commissioner, Chit Dist

Answer from Headquarters

as resolved by the Mtg

14
on 29-12-48 and 26-5-48
and adding that no objections against
for the enforcement of these rule
~~bye laws~~ have been received

Order No L6928-9 D 23-12-48 Fall in
function --, accorded to the levy of toll on
vehicle entering the limits of Mysore municipality
in accordance
of The rules framed under
Sec 61 (1) (h) of the Mines
Municipalities Act 1933, by the Land Mfg (wide rule appended)
~~Mysore Mines rules are sanctioned~~
(as appended) 1. attached sheets
The rules will be as follow
Six printed copies may be supplied
to the Secretariat for reference.

27/11
for Rev Secretary to Govt
Agr
24/4

List of Enclosures

To
The Dy Chief Engineer
W/R
The ~~Pr~~ Comptroller to Govt

Copied by

Examined by

WD 04162—GPB—60 000—23 10 41

15

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

READ.-

Correspondence ending with letter No.A6 C.300/46-47 dated 1st November 1948 from the Deputy Commissioner, Chitaldrug District, forwarding the draft rules framed by the Hosadurga Minor Municipal Council under Section 61(1)(h) of the Minor Municipalities Act 1933 regulating the levy of toll on vehicles entering the limits of the Hosadurga Minor Municipality as resolved by the Municipal Council on 29th December 1946 and 26th May 1948 and adding that no objections against the enforcement of these rules have been received.

ORDER NO L6928-9/Mul 86-48-52

Dated, Bangalore, the 23-12-48

Sanction is accorded to the levy of toll on vehicle entering the limits of Hosadurga Minor Municipality in accordance with the rules framed under Section 61(1)(h) of the Minor Municipalities Act 1933, by the said Municipality (Vide rules appended) The rates will be as per schedule attached thereto. Six printed copies may be supplied to the Secretariat for reference.

for General Secretary to Government

p.t o.

16

To

The Deputy Commissioner, Chitaldrug District,
with records.

Comptroller to Government.

WD 04162—GPB—60 000—23 10 41

Notes — 10 Pages
Cornell — 16 Pages